



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

May 1, 2023

Via ECF

Hon. Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: **Castillo v. Snedeker, et al., 21-cv-11109- (PMH)**

Dear Judge Halpern:

This Office currently represents Defendants Donald Venettozzi and Katherine Henley in this pro se civil right lawsuit involving prison disciplinary proceedings brought by an individual incarcerated in the custody of the New York State Department of Corrections and Community Supervision (DOCCS). By order dated March 31, 2023, Defendant Venettozzi ("Defendant John"), was ordered to respond to the summons and complaint by May 3, 2023. At this time, our office has been made aware that Hearing Officer Katherine Henley has also been served with the summons and complaint in the above-referenced matter. I write, on behalf of the aforementioned Defendants to respectfully request that their time to move or answer with respect to the Complaint, be extended to June 14, 2023. This is the Defendant's second request for an extension. After conferring with the Marcy Correctional Facility, where he works, and on review of the Docket, Defendant Correction Officer (C.O.) Robert C. Snedeker has not yet been served. In the event that he is (or has been) served, we also request that C.O. Snedeker's deadline to respond to the Complaint be set at or extended to June 14, 2023.

The additional time is needed so that this Office can obtain the relevant documents and conduct the required factual investigation and, with respect to CO Snedeker, representational analysis required by Public Officers Law § 17. This office is working with the facility to work out representation and facilitate service of the complaint to C.O. Snedeker.

Furthermore, defendants anticipate pursuing a motion to dismiss the Complaint against all Defendants. The requested extension is also needed to comply with the Court's requirement of an exchange of letters between the parties before the filing of a premotion letter requesting a briefing schedule for the motion. Before the initial letter to plaintiff identifying the potential issues of the motion can be sent, this office is finishing finalizing representation of C.O. Snedeker so that a single motion addressing all issues can be filed instead of filing multiple motions dismissing

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portions of the complaint against individual Defendants.

Plaintiff's consent has not been sought because of the difficulty in prompt communication with incarcerated pro se litigants. Thank you for your consideration of the application.

Respectfully submitted,

/s/ Joshua M. Mitts
Joshua M. Mitts
Assistant Attorney General

Cc: Pedro Castillo
93-A-1393
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562
Pro Se